

# ELECTRONIC CASE FILES

## ADMINISTRATIVE MANUAL FOR REGISTERED USERS

### U.S. DISTRICT COURT for the DISTRICT OF MONTANA

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1. Authorization	<ul style="list-style-type: none"> <li>– L. R. 1.6</li> <li>– Fed. R. Civ. P. 5(d)(3)</li> <li>– Fed. R. Crim. P. 57</li> </ul>	<ul style="list-style-type: none"> <li>– As of 11/07/05 the official record shall include information transmitted to the Court in electronic format and documents filed in paper format shall be made a part of the record. Any conventional documents or exhibits impractical to scan into the electronic record shall be maintained in the Clerk's Office.</li> <li>– Electronic filing is required of all counsel as of 01/10/07 without good cause shown.</li> </ul>
2. Responsibility of the Parties	<ul style="list-style-type: none"> <li>– Miscellaneous, L. R. 1.6 (c)</li> </ul>	<ul style="list-style-type: none"> <li>– Maintain an electronic mailbox sufficient to receive the orders and other documents transmitted electronically.</li> <li>– After 01/10/07, counsel must show good cause to file and serve documents conventionally.</li> <li>– After the Order Admitting Pro Hac Vice has been entered, counsel shall register to file electronically by submitting an ECF User Registration Form, found on the Court's Website.</li> <li>– Original documents with intrinsic value should be maintained by the filing party.</li> </ul>
	<ul style="list-style-type: none"> <li>– Personal Account Information</li> </ul>	<ul style="list-style-type: none"> <li>– Attorneys are personally responsible for maintaining a working e-mail address.</li> <li>– If your service provider changes or your e-mail address changes, use "Utilities," "Maintain Your Account," "E-Mail Information," and type in your new e-mail address.</li> <li>– The system will have you click "Submit" twice before getting a confirmation page stating that your change was successful.</li> </ul> <p><i>However, when anyone adds any new secondary e-mail addresses directly into the application, those will not automatically apply to all cases. Users will have to manually select the "In All My Cases" checkbox to have any newly added secondary addresses apply to all cases.</i></p>
3. Definitions and Instructions	<ul style="list-style-type: none"> <li>– Administrative Procedures Manual</li> </ul>	<ul style="list-style-type: none"> <li>– Procedures and instructions for using the Court's ECF system can be found on the Court's Website, <a href="http://www.mtd.uscourts.gov">www.mtd.uscourts.gov</a> consistent with the Local Rules for the District of Montana.</li> </ul>

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	<ul style="list-style-type: none"> <li>– Certificate of Service</li> <li>– L.R. 5.1, 5.2, and 5.3</li> <li>– CR 49.1</li> </ul>	<ul style="list-style-type: none"> <li>- There is no need for a Certificate of Service unless:                             <ul style="list-style-type: none"> <li>- One or more parties is a conventional filer;</li> <li>- A document is not served via CM/ECF; or</li> <li>- A document is served but not filed.</li> </ul> </li> <li>– L. R. Form I, sample “Certificate of Service”</li> </ul>
	– CM	– “Case Management” portion of the electronic filing system used by the Clerk’s Office to maintain the electronic record.
	– Conventional Filer	– L. R. 1.6(b) refers to those filers who are not registered to file electronically.
	– ECF	– “Electronic Case Files” refers to the Court’s electronic filing system and the cases maintained therein.
	– ECF User or Registered User	– A person who is registered to e-file in the electronic case files.
	– Electronic Filing	<ul style="list-style-type: none"> <li>– Uploading a document directly from the registered user’s computer to the Court’s Internet-based filing system.</li> <li>– Sending a document to the Court via e-mail does not constitute “electronic filing.”</li> </ul>
	– Document	– Includes pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the Court.
	– Internet Service Provider	– (ISP) Refers to the entity/company registered users use to connect to the Internet. CM/ECF works correctly with Firefox 1.5 and 2.0 and Internet Explorer 6.0 and 7.0
	– Mountain Time	– Refers to all hours stated in these procedures, Standard or Daylight Savings, whichever pertains.

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	<ul style="list-style-type: none"> <li>– Notice of Electronic Filing</li> <li>– L.R. 5.1</li> <li>– CR 49.1</li> </ul>	<ul style="list-style-type: none"> <li>– (NEF) Generated automatically by the ECF system upon completion of an electronic filing.</li> <li>– The NEF, when e-mailed to the e-mail addresses of record in the case, acts as the proof of service</li> <li>– The NEF will appear in your e-mail in-box from sender MTD_CMECF and the subject line will be “Activity in Case” followed by the case number and case name, e.g., Activity in Case 4:08-cv-8000, Jones v. James.</li> <li>– DO NOT delete any e-mails from MTD_CMECF without reviewing them first.</li> </ul>
	<ul style="list-style-type: none"> <li>– Party</li> </ul>	<ul style="list-style-type: none"> <li>– Includes plaintiffs, defendants, counsel of record, and/or pro se litigants.</li> </ul>
	<ul style="list-style-type: none"> <li>– Portable Document Format</li> </ul>	<ul style="list-style-type: none"> <li>– (PDF) Allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. All documents are to be e-filed in PDF format so the integrity of the original document cannot be destroyed.</li> </ul>
	<ul style="list-style-type: none"> <li>– System</li> </ul>	<ul style="list-style-type: none"> <li>– Used to reference the Case Management Electronic Case Files (CM/ECF) system adopted and implemented by the District Court.</li> </ul>
4. Technical Specifications	<ul style="list-style-type: none"> <li>– In order to have adequate downloading capabilities, filing parties should consider the following technical equipment:</li> </ul>	<ul style="list-style-type: none"> <li>– Operating system such as Windows or MacIntosh.</li> <li>– Ability to convert documents to portable document format (PDF), using software such as Adobe Acrobat Write 7.0 or WordPerfect, or the latest version of Word with additional software, so that it is text searchable.</li> <li>– High-speed Internet access, or an Internet dial-up line with a minimum of 56K which is dial-up and very slow. DSL or cable is preferred for better access speed.</li> <li>– A scanner configured no finer than 300 dpi (dots per inch) and black and white rather than color scanning for imaging non-computerized documents.</li> </ul>
5. Access	<ul style="list-style-type: none"> <li>– Public Access at the Clerk's Offices</li> </ul>	<ul style="list-style-type: none"> <li>– Access to the electronic record is available for all parties and the public at each divisional office of the District Court during regular business hours.</li> <li>– A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. §1930.</li> </ul>

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	<p>– Internet Access</p> <p>IF AN NEF IS RECEIVED, <b>SINGLE</b> CLICK ON THE DOCUMENT NUMBER TO DOWNLOAD IT. IF THE PARTY DOUBLE CLICKS ON THE DOCUMENT NUMBER, PACER WILL NOT ALLOW FREE ACCESS.</p> <p>CM/ECF has been tested and works correctly with Firefox 1.5 and 2.0, Internet Explorer 6.0 and 7.0, and Netscape 7.2.</p>	<p>– ECF User Access</p> <ul style="list-style-type: none"> <li>• Remote access to e-file a document in the electronic record is limited to registered ECF users.</li> <li>• Registered users who are parties to a case will receive e-mail notification of a filing and the document e-filed in their e-mail accounts.</li> <li>• The parties are free to review and/or download said filing at the time of the notification.</li> <li>• If a party to a case remotely accesses a document after the initial notification of filing, they will be charged the access fee of \$.08 per page.</li> </ul> <p>– PACER Access</p> <ul style="list-style-type: none"> <li>• <b>EVERY REGISTERED USER MUST HAVE A SEPARATE PACER ACCOUNT. Law firms must maintain a PACER login and password for each attorney in the firm in order to access restricted cases.</b></li> <li>• Remote access to view the electronic record is limited to subscribers to the PACER system.</li> <li>• A user fee of \$.08 per page will be charged by PACER for remotely accessing case information such as e-filed documents, docket sheets, and reports.</li> <li>• The fee schedule places a billing limit of 30 pages (\$2.40) on all case specific reports and documents.</li> </ul>
6. System Availability	<p>– L. R. 1.6(i)(until 12/01/09)</p> <p>– L.R. 6 (effective 12/01/09)</p>	<p>– All documents must be e-filed before 5:00 p.m. on the filing deadline date.</p> <p>– However, the system is designed to provide service twenty (24) hours per day and you may e-file at any time if you are filing before your filing deadline.</p> <ul style="list-style-type: none"> <li>• Parties are encouraged to e-file documents during normal business hours, beginning well before 4:00 p.m. IF YOU ARE FILING ANYTIME AFTER 4:00 P.M., YOU MAY NOT BE ABLE TO COMPLETE YOUR FILING ON TIME DUE TO THE HIGH VOLUME OF E-FILERS.</li> </ul> <p>– Conventional Filers: If the Clerk’s office is closed on a weekday that is not a legal holiday, conventional filers may leave documents with the Court Security Officers. Such documents will be deemed filed as of the date they are left with Court Security.</p>

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7. Registration	<ul style="list-style-type: none"> <li>– PACER</li> </ul>	<ul style="list-style-type: none"> <li>– A PACER login and password are required of all electronic users.</li> <li>– In order to view and query documents, reports, etc., you must use a PACER account.</li> <li>– It is regulated by PACER in Washington, D.C.</li> <li>– To register with PACER, a user must complete the online form or submit a registration form, available on the PACER website: <a href="http://pacer.psc.uscourts.gov">http://pacer.psc.uscourts.gov</a></li> </ul>
	<ul style="list-style-type: none"> <li>– District of Montana ECF User Registration</li> <li>– L. R. 83.3</li> <li>– L. R. 1.6(c)</li> </ul>	<ul style="list-style-type: none"> <li>– In order to e-file documents, you must use your Montana ECF login and password.</li> <li>– After an attorney completes a 2-hour ECF User Training, the Court will issue an ECF login and password. Attorneys must meet the requirements of L. R. 83.3.</li> <li>– If an attorney is applying to proceed pro hac vice and they have taken training in another district, the training requirement will be waived.</li> <li>– Once an attorney attends the training and becomes a registered user of electronic filing, he/she waives the right to receive service by any other means other than electronic.</li> <li><b>NOTE: It is very important that law office support staff also receive training in CM/ECF.</b></li> <li>– CM/ECF User Registration form is found under Forms on the Electronic Case filing page of the District Court website <a href="http://www.mtd.uscourts.gov">www.mtd.uscourts.gov</a>.</li> </ul>
	<ul style="list-style-type: none"> <li>– Filing Fee/Credit Card Payments</li> </ul>	<ul style="list-style-type: none"> <li>– All users may pay on-line by credit card.</li> <li>– Credit card numbers are not maintained by the Clerk's office.</li> </ul>

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### 8. Signatures

- Electronic Signature Format
- L. R. 11.1(b) and (d)
- L.R. 10.1(d) (effective 12/01/09)

- Except as provided by L.R. 11.2 regarding multiple signatures, each document filed electronically by a registered user must be signed “/s/ John E. Attorney.”
- Your signature is guaranteed by your login, password, and the above /s/ signature.
- Only an attorney can use the /s/ signature form, and, except as provided by L.R. 11.2 regarding multiple signatures, only when signing the document as the e-filer. All other signatures, including those on affidavits, must be handwritten.
- When any hand signature is used, the name of the signer must be printed or typed under the signature line.

- Signing “for” another attorney

- If someone in your office has asked you to e-file a document “for” them because they are out of the office, you must use your own login and password.
- The attorney signing “for” someone else will not associate themselves to the case when asked by the system

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	<ul style="list-style-type: none"> <li>– Multiple Signatures</li> <li>– L. R. 11.2</li> </ul>	<ul style="list-style-type: none"> <li>– No signature page should contain both hand signatures and /s/ electronic form signatures.</li> <li>– If a document requires more than one signature, a registered user may choose to use a hand signature rather than an /s/ electronic signature.</li> <li>– If more than one signature is required, the filing party should file the document:                         <ul style="list-style-type: none"> <li>• Using /s/ electronic signature as to ALL parties if all signers are registered users and all consent to the filing;</li> <li>• Using handwritten signatures by ALL parties by scanning and filing the document electronically WITHOUT the /s/ signature of any party;</li> <li>• By scanning one or more identical documents with handwritten signatures and attaching each document as an exhibit to a document bearing the registered user's /s/ electronic signature; OR</li> <li>• By using any other method prescribed by the Clerk of Court.</li> </ul> </li> </ul>
9. Filing	<ul style="list-style-type: none"> <li>– Format</li> <li>– L. R. 10.1</li> <li>– Fed. R. Civ. P. 10</li> </ul>	<ul style="list-style-type: none"> <li>– Format of documents has remained the same as conventional filing rules apply.</li> <li>– Effective 1/01/09, all documents must be in at least 14-point font.</li> </ul>
	<ul style="list-style-type: none"> <li>– Electronic Filing in ECF Only</li> </ul>	<ul style="list-style-type: none"> <li>– All documents, EXCEPT DISCOVERY DOCUMENTS, shall be electronically filed.</li> <li>– E-mailing a document to the Clerks Office shall not constitute "filing."</li> </ul>
	<ul style="list-style-type: none"> <li>– Timely E-Filed</li> <li>– L. R. 1.6(i)(1)(until 12/01/09)</li> <li>– L.R. 6 (effective 12/01/09)</li> </ul>	<ul style="list-style-type: none"> <li>– A party can e-file 24 hours per day, 7 days per week.</li> <li>– A document will be deemed timely e-filed if filed prior to 5:00 p.m. on the due date.</li> </ul>



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	– Filing Fees	<p>– Filing Fees may be paid by:</p> <ul style="list-style-type: none"> <li>• Check</li> <li>• Money Order</li> <li>• Cash</li> <li>• Credit Cards. Payments can be made by credit card when filing the document electronically or conventionally.</li> </ul> <p>NOTE: The Clerk's Office will not maintain credit card numbers or accounts of any kind for attorneys or law firms.</p>
	– Document Titles	<p>– All documents must be e-filed in the appropriate electronic event.</p> <p>– The party electronically filing a pleading or other document may add limited text to a docket entry to supplement the title of a document.</p>
	– Case Numbers	<p>– Because the District of Montana consists of 5 divisional offices, each case number will start with the division number, i.e., 1:05-cv-100, followed by the judges' initials.</p> <p>– The division office numbers are as follows:</p> <ul style="list-style-type: none"> <li>1 = Billings Division</li> <li>2 = Butte Division</li> <li>4 = Great Falls Division</li> <li>6 = Helena Division</li> <li>9 = Missoula Division</li> </ul> <p>– When querying a case or document in CM/ECF, you need only enter the year and the case number, i.e., 05-100.</p> <p>– However, your documents must include the entire case number, i.e., CV 05-100-M-DWM-JCL.</p>
	– Judge Assignment	<p>– A judge will be assigned at the time of case opening.</p>
	– Participant Tree	<p>– Beginning 10/25/2009, a participant tree will appear on the left side of the screen when filing. The tree, which lists all parties and attorneys in the case, is for informational purposes only.</p> <p>– Select the filer from the Select the Party box located on the same screen.</p>

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10. Complaints and other Initiating Documents

**\*\*NEW OPTION FOR E-FILERS!!\*\***

**\*\*E-FILERS ARE STRONGLY ENCOURAGED TO VIEW THE ELECTRONIC LEARNING MODULE, IN ITS ENTIRETY, FOR INSTRUCTIONS ON E-FILING COMPLAINTS. THE NEW INSTRUCTIONS ARE LOCATED ON THE COURT'S WEBSITE AT:**  
<http://www.mtd.uscourts.gov/cmecf.htm>

- The Electronic Learning Module and “Overview for E-filing Complaints” will supply the e-filer with complete instructions relating to filing Complaints and Notice of Removals. **E-filers must view the module to obtain the corresponding “shell case” number for each division.** This number shall be used to file initial pleadings with the Court.
- When filing an initiating document in the “shell case,” it is advantageous for the filer to pay online with a credit card. This will allow the e-filer 24-hour access to file Complaints and Notices of Removal. If the filer elects to pay the filing fee with a check, money order or cash, they must wait for the Clerk’s Office to contact them with a receipt number before filing the document.
- During regular business hours, the Clerk’s Office will view the shell case, assign a judge, open a new civil case and file the initiating document(s) from the “shell case” accordingly. All parties will receive a Notice of Electronic Filing (NEF) notifying them of the new civil case number. The parties will also receive the document(s) that was originally e-filed in the “shell case” that will contain, not only the judge assigned to the case and the new case number, but the **original date** showing when the initiating document(s) was filed.

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<p>10. <b>cont.</b> Complaints and other Initiating Documents</p>	<ul style="list-style-type: none"> <li>– Opening a case</li> <li>– L. R. 3.1</li> </ul> <p>IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK’S OFFICE.</p>	<ul style="list-style-type: none"> <li>– The Civil Cover Sheet, the first page of the Complaint, and your chosen method of payment must all be sent to the Clerk’s Office by fax or personal delivery in order to obtain a case number so that the entire Complaint can be e-filed. (See “Filing Fees” above for methods of payment.)</li> <li>– The Clerk’s Office will then contact you with a case number so that the initiating party can immediately e-file the Complaint.</li> </ul> <p><b>NO SUMMONS WILL BE ISSUED UNTIL THE COMPLAINT IS FILED.</b> YOUR COMPLAINT MUST BE READY TO E-FILE IMMEDIATELY UPON RECEIPT OF THE CASE NUMBER FROM THE CLERK’S OFFICE. Failure to file within one <u>business</u> day of receipt of the case number shall result in deletion of the case.</p> <ul style="list-style-type: none"> <li>– Attach the Civil Cover Sheet and Summons to the complaint as exhibits when e-filing. L. R. 3.1(c)</li> </ul>
	<ul style="list-style-type: none"> <li>– Summons</li> </ul>	<ul style="list-style-type: none"> <li>– The filing party may attach an unissued summons as an exhibit to the Complaint. After the summons is issued, the Clerk’s Office will return it to the party.</li> <li>– A summons can be issued at a later date by delivering it to the Clerk’s Office and the issued summons will be filed using the appropriate event by the Clerk’s Office.</li> </ul>
<p>11. Service</p>	<ul style="list-style-type: none"> <li>– Service of the Complaint</li> <li>– L. R. 4.1</li> <li>– Fed. R. Civ. P. 4</li> </ul>	<ul style="list-style-type: none"> <li>– A party cannot electronically serve a complaint, but instead must effect service according to the Local Rules and Federal Rules of Civil Procedure.</li> </ul>
	<ul style="list-style-type: none"> <li>– Notice of Electronic Filing (NEF)</li> <li>– L. R. 5.1</li> <li>– CR 49.1</li> </ul>	<ul style="list-style-type: none"> <li>– The system automatically generates a Notice of Electronic Filing (NEF) at the end of each filing.</li> <li>– The judge and all electronic users in the case will immediately receive the NEF at their e-mail addresses.</li> <li>– The NEF is the equivalent of proof of service of the document.</li> </ul>

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	<ul style="list-style-type: none"> <li>– Certificate of Service</li> <li>– L. R. 5.1(b) and 5.2</li> <li>– CR 49.1</li> </ul>	<ul style="list-style-type: none"> <li>– A Certificate of Service <b>must</b> be included with all documents, even when filing electronically, if one or more parties is <b>not</b> an electronic registered user.</li> <li>– The rule states that “as between registered users, transmission of the Notice of Electronic Filing (NEF) constitutes the service required by the Federal Rules of Civil Procedure, and a certificate of service is moot.” L.R. 5.1(b)</li> <li>– Thus, if all parties (counsel) are registered users, only the NEF is required.</li> <li>– The certificate must state the manner of service or notice.</li> <li>– Sample Certificate of Service. L. R. Form I</li> </ul>
	<ul style="list-style-type: none"> <li>– Conventional Service of Documents with the NEF</li> <li>- L.R. 5.1(a) and 5.2(b)</li> <li>– CR 49.1</li> </ul>	<ul style="list-style-type: none"> <li>– A copy of the NEF produced by the electronic system must be included with the hard copy of the pleading sent to non-registered users.</li> <li>– If a document is filed conventionally at the Clerk’s Office, the filing party must serve all parties by regular service, including a Certificate of Service.</li> </ul>
	<ul style="list-style-type: none"> <li>– Computing Time</li> <li>- Fed.R.Civ.P. 6</li> <li>- Fed.R.Crim.P. 45</li> </ul>	<ul style="list-style-type: none"> <li>– Beginning 12/01/09, count every day, including intermediate Saturdays, Sundays, and all legal holidays.</li> <li>– The three-(3)-day rule for service by mail applies to service by electronic means in civil cases when a party must act within a specified time after <b>service</b>. However, the 3-day-rule does not apply when a party must act within a specified time after <b>filing</b>.</li> <li>- The three-(3)-day rule for service by mail does <b>not</b> apply in criminal cases if all parties are electronic filers.</li> </ul>
	<ul style="list-style-type: none"> <li>– Prohibited Forms of Service</li> <li>– L. R. 5.4</li> </ul>	<ul style="list-style-type: none"> <li>– Fax or e-mail service is prohibited unless the conventional filer consents to receiving the document by fax or e-mail.</li> </ul>
12. Answers		<ul style="list-style-type: none"> <li>– When filing an answer, attorneys must create the association between themselves and the party they represent, especially at the time of the first appearance by the attorney.</li> </ul>

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13. Notice of Removal	- L.R. 3.2(a)	<ul style="list-style-type: none"> <li>– When removing a case from another court, you must use the event “Notice of Removal under “Initial Pleadings and Service,” and “Complaints, Other Initiating Documents.”</li> <li>– Upon receipt of the state court record from the state court, it will be scanned into the file by the Clerk’s Office.</li> <li>– Motions and other requests directed to the State Court are automatically terminated upon removal.</li> </ul>
14. Consent to Proceed before a U.S. Magistrate Judge	– L. R. 73.2	<ul style="list-style-type: none"> <li>– Parties will receive a “Mailing of Consent to Proceed before USMJ” by electronic notice with the consent/objection form attached.</li> <li>– Consent forms shall be returned to the Clerk’s Office by CONVENTIONAL means and NOT e-filed in the database electronically. They will be held under seal in the Clerk’s Office.</li> <li>– If all parties consent to magistrate judge jurisdiction, all consent forms will be scanned into the electronic record of the case as the “Notice of Assignment to USMJ.”</li> <li>– If one or more parties do not consent to magistrate judge jurisdiction, the order of reassignment will issue and the returned consent forms will be shredded at the conclusion of the case and/or the time for appeal has run.</li> </ul>
15. Withdrawal & Substitution of Attorney	– L. R. 83.9(a) and (b)	<p><b>Withdrawal:</b></p> <ul style="list-style-type: none"> <li>– If the attorney’s withdrawal will leave any party without counsel for a period of time, the attorney must file a motion for leave to withdraw.</li> <li>– Withdrawal of an attorney is accomplished by filing a “Motion to Withdraw,” found in the “Motions” menu.</li> </ul> <p><b>Substitution:</b></p> <ul style="list-style-type: none"> <li>– Substitution of an attorney is accomplished by filing a “Notice of Substitution of Counsel” found in the “Notices” menu.</li> <li>– It is the duty of new counsel to ensure that he or she is added to the case and designated to receive the NEFs. This is done by associating yourself with the party you represent.</li> </ul>

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16. Consolidated Cases		<p>When docketing in consolidated cases:</p> <ul style="list-style-type: none"> <li>– Refer to the Judge’s order as to which case your document should be e-filed.</li> <li>– If the Judge requires that you should e-file your document in your case only, e-file your document in the lead (main) case and select the spread feature as to your case ONLY.</li> <li>– If the Judge requires that you should e-file your document in the lead case, e-file your document in the lead (main) case and select the spread feature as to “all cases.”</li> </ul>
17. Attachments and Exhibits	– L. R. 7.2	<ul style="list-style-type: none"> <li>– Except as the local rule otherwise provides, exhibits must be e-filed in electronic format as attachments to the related document.</li> <li>– Anything larger than five (5) megabytes shall be e-filed or attached in five (5) megabyte segments.</li> <li>– Effective 10/26/09, the filer will be able to file the main document and all attachments on the same screen.</li> <li>– If you forget to attach all of your exhibits to a motion in a case assigned to either Judge Haddon or Strong, prepare and e-file a Withdrawal of Motion and then e-file an Amended Motion with the correct exhibits attached. If you forget to attach your exhibits to a document that is not a motion, e-file the exhibits using the event “Amended Document (NOT motion)” found under Other Documents.</li> <li>– If you forgot to file your exhibits with a particular document in a case assigned to any other Judge, DO NOT E-FILE AN AMENDED DOCUMENT. Instead, prepare a “Notice of Filing Exhibits” and e-file it with the exhibits attached under “Other Filings,” “Notices,” “Notice of Filing Exhibits.” Link the Notice back to the originally e-filed document and, if the exhibit is motion-related, to the applicable motion.</li> <li>– Trial exhibits will not be e-filed unless ordered by the Court.</li> </ul>

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	<p>– L. R. 7.2(a)</p>	<p>– Exhibits totaling five (5) pages or less may be filed together as one attachment to the brief or statement.</p> <p>– If exhibits total more than five (5) pages:</p> <ul style="list-style-type: none"> <li>• The first page of each exhibit must be labeled by letter or number.</li> <li>• Each exhibit must be filed as a separate attachment.</li> <li>• Each exhibit shall be named by letter or number and/or by a short description.</li> </ul>
	<p>– L. R. 7.2(b)</p> <p>– L.R. 77.2(b)(2)</p>	<p>– Only the following exhibits may be filed conventionally by a registered user without leave of court:</p> <ul style="list-style-type: none"> <li>• Too lengthy to file or scan;</li> <li>• Oversized exhibits, such as blueprints or maps;</li> <li>• Administrative Records;</li> <li>• Photographic or videotape exhibits; or</li> <li>• Trial exhibits.</li> </ul> <p>- Whenever an exhibit is filed conventionally, Form A, Notice of Conventional Filing of Document or Item, must be filed electronically. A copy of the electronically filed Form A, must accompany the conventionally filed exhibit provided to the Clerk's office</p> <p>– All exhibits filed conventionally must be conventionally served on all parties.</p> <p>– Conventionally filed exhibits or documents that cannot be scanned must be delivered to the Division of venue, unless directed otherwise by the clerk.</p>
18. Discovery	<p>– L. R. 26.2</p>	<p>– Discovery documents shall not be filed, unless ordered by a Judge.</p> <p>– Discovery documents must be attached as exhibits to any motion relating to discovery.</p> <p>– If a party obtains leave of Court to file an original deposition, the original deposition must be conventionally filed with the Clerk. Form A, Notice of Conventional Filing, must be filed electronically, and a copy of Form A must accompany the deposition.</p>

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19. Transcripts of Proceedings	<p>– L. R. 1.7</p> <p><u>Transcript</u> Order forms are available on our website at <a href="http://www.mtd.uscourts.gov">www.mtd.uscourts.gov</a> .</p>	<p>– Ordering a transcript of a court-reported proceeding can be done by e-filing your Transcript Designation and Ordering Form using the following events:</p> <p><b>Civil Transcripts</b> – “Other Filings,” “Other Documents,” “Transcript Designation Order Form.”</p> <p><b>Civil Appeal Transcripts</b> – “Other Filings,” “Appeal Documents,” “Appeal Transcript Designation Order Form.”</p> <p><b>Criminal Transcripts</b> – “Other Filings,” “Other Documents,” “Transcript Designation Order Form.”</p> <p><b>Criminal Appeal Transcripts</b> – “Other Filings,” “Appeal Documents,” “Appeal Transcript Designation Order Form.”</p> <p><b>NOTE:</b> You must conventionally serve the Transcript Designation Order Form on the Court Reporter.</p> <p>– To order transcripts or CDs of tape-recorded proceedings complete an FTR Gold Transcript Recording Form and e-file using the events above</p>
	Redaction of Personal Identifiers from Transcripts of Proceedings	– See the Court’s website for procedures regarding deadlines for redacting personal identifiers from transcripts.
20. Hyperlinks	– L. R. 10.3(c)	<p>– Hyperlinks to cited authority will be considered no more than a convenient mechanism for accessing material cited in the document.</p> <p>– The hyperlink will be extraneous and will not be considered a part of the Court’s record.</p> <p>– Hyperlinks should not be used to circumvent briefing page limitations.</p>



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21. Motions	– Multiple Motions	<p>– If you are filing two or more motions, in one document, you must select all motions from the drop-down list during the initial filing process.</p> <p>– If you only click on one motion and then text in the other motions, those added motions will not be dealt with as they should. For example:</p> <ul style="list-style-type: none"> <li>• If you are filing a “Motion for Summary Judgment or in the Alternative a Motion to Dismiss,” you must select both motions, the “Motion for Summary Judgment and the “Motion to Dismiss,” in the drop-down list. Then click “Next.”</li> </ul>
	– Motion to Intervene	<p>– YOU MUST FILE THIS MOTION CONVENTIONALLY WITH THE CLERK’S OFFICE.</p> <p>– Upon leave of court, the Clerk’s Office will enter the intervening parties, and you can then e-file your supplemental pleadings.</p>
	– Motion for Leave to File an Amicus Brief	<p>– YOU MUST FILE THIS MOTION CONVENTIONALLY WITH THE CLERK’S OFFICE.</p> <p>– Upon leave of court, the Clerk’s Office will enter your appearance as an amicus party, and you can then e-file your brief.</p>
	– Pro Hac Vice Motions	<p>– You must file one pro hac vice motion for each attorney requesting leave of court to proceed pro hac vice. The system will only allow one filing fee of \$250 per motion.</p> <p>– If the Court grants permission to appear pro hac vice, the attorney must immediately register to become an e-filer with the District of Montana. L.R. 1.6 (c). Please refer to § 7 for more information.</p>
	<p>– Unopposed Motions</p> <p>– L. R. 7.1(c)</p>	<p>– The word “unopposed” must appear in the title of the motion.</p> <p>– The proposed order must be attached to the motion as an exhibit (in PDF format) and e-mailed (in WordPerfect or Word format) to the judge. (See “Attachments and Exhibits,” Section 17 above and “Orders and Proposed Orders,” Section 24 below.)</p>
	– Motions for Interim Payments of Attorney Fees or Authorized Fees	<p>– Pre-judgment, if an attorney files a motion for interim payment of attorney fees because the case is considered complex or for interim payment of authorized fees, i.e., interpreter or investigator fees, the attorney must e-file the motion <i>ex parte</i>.</p> <p>– Post-judgment motions may also be filed <i>ex parte</i>.</p>

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22. Responses and Reply Memoranda	<ul style="list-style-type: none"> <li>– Support Brief</li> <li>– L.R. 7.1(d)(1)</li> <li>– Rule CR 12.1(a)</li> </ul>	<ul style="list-style-type: none"> <li>– In civil cases and effective 12/01/09 in criminal cases, a motion must be accompanied by a support brief.</li> <li>– Until 12/01/09, in criminal cases, unless an order provides otherwise, a party has 5 days within which to file a brief in support of a motion.</li> <li>– Until 12/01/09, a motion and brief in support may be e-filed as one document. If filed with the motion, the docket text must be edited to show that the support brief is included. The support brief may also be filed as a separate document under “Responses and Replies.”</li> <li>– Effective 12/01/09, in both civil and criminal cases, the support brief must be filed separately from the motion. Link the brief to the related motion.</li> </ul>
	<ul style="list-style-type: none"> <li>– Length of Briefs</li> <li>– L. R. 7.1(d)(2)</li> <li>– Rule CR 12.1(b)</li> </ul>	<ul style="list-style-type: none"> <li>– Support and response briefs are limited to 6500 words.</li> <li>– Reply briefs are limited to 3250 words.</li> <li>– When counting words do not include the caption and certificates of service and compliance.</li> <li>– All briefs must include a certificate of compliance that the brief complies with the word limits of L.R. 7.1(d)(2) or CR 12.1(b).</li> </ul>
	<ul style="list-style-type: none"> <li>– Other filings pertaining to motions.</li> <li>– L. R. 7.1</li> </ul>	<ul style="list-style-type: none"> <li>– Parties are encouraged to file response and reply briefs, and other pleadings relating to motions, as separate documents.</li> <li>– Use the events in “Responses and Replies.”</li> <li>– You must link to the related motion or the record will not show that it is fully briefed.</li> </ul>
	<ul style="list-style-type: none"> <li>– Time for filing</li> <li>– L. R. 7.1(d)(1) (effective 12/01/09)</li> <li>– CR 12.1 (effective 12/01/09)</li> <li>– Fed.R.Civ.P. 6(d)</li> </ul>	<ul style="list-style-type: none"> <li>– Effective 12/01/09, the time for filing response and reply briefs is calculated in multiples of 7.</li> <li>– Effective 12/01/09, all weekends and holidays are counted.</li> <li>– Until 12/01/09, in civil cases, three days are added to the time for filing response and reply briefs because the time period begins to run upon the <b>service</b> of motions or briefs.</li> <li>– Effective 12/01/09, three days will no longer be added to the time for filing response and reply briefs because the time period begins to run upon the <b>filing</b> of motions or briefs.</li> </ul>
23. Proposed Amended Pleadings	<ul style="list-style-type: none"> <li>– L. R. 15.1</li> </ul>	<ul style="list-style-type: none"> <li>– When a party moves to file a pleading that requires leave of court (e.g., an amended complaint), the filer must e-file the proposed pleading as an exhibit to the motion.</li> <li>– Upon receiving leave of court, the attorney <b>MUST E-FILE</b> the amended pleading unless otherwise ordered.</li> </ul>

## ELECTRONIC CASE FILES ADMINISTRATIVE MANUAL

24. Orders and Proposed Orders	<ul style="list-style-type: none"><li>– Orders in General</li><li>– L. R. 5.1(a)</li></ul>	<ul style="list-style-type: none"><li>– All orders shall be e-filed and served with the same force and effect as if the judge had affixed the judge's signature to a paper copy.</li><li>– If an order is sent to a non-registered party by regular mail, an NEF will be included to provide the non-registered party with proof of service.</li><li>– <b>ONLY CLICK ONCE ON THE DOCKET NUMBER TO DOWNLOAD THE DOCUMENT BEING SENT TO YOU. If you click twice, the system will forward your request to PACER and you will be required to pay for the look.</b></li></ul>
	<ul style="list-style-type: none"><li>– Text Orders</li></ul>	<ul style="list-style-type: none"><li>– A text order may be entered by the judge granting or denying an unopposed order or a motion for extension of time.</li><li>– A docket entry will be created but a document will not be generated or attached.</li><li>– The system will generate an NEF which will be forwarded to all parties and have the full force and effect of a regular order.</li></ul>

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	<ul style="list-style-type: none"> <li>– Proposed Orders</li> <li>– L. R. 7.1(c)(3)</li> </ul>	<ul style="list-style-type: none"> <li>– Proposed orders are required only for motions for extension of time or unopposed motions.</li> <li>– A proposed order, in PDF format, shall be made an attachment to the motion.</li> <li>-- “Text of Proposed Order” should be selected from the “Category” drop down menu. No other “description” is necessary.</li> <li>– If you forget to attach a proposed order, call the Help Desk (1-866-463-4052) for directions.</li> <li>– A proposed order shall be e-mailed in WordPerfect or Word format to the judge.</li> <li>– Because the Judge may need to alter the proposed order, do not use macros or special coding in the order e-mailed to the judge.</li> <li>– Following are the judge’s email addresses for proposed orders.</li> </ul> <p>Judge Cebull: <a href="mailto:rfc_propord@mtd.uscourts.gov">rfc_propord@mtd.uscourts.gov</a>  Judge Molloy: <a href="mailto:dwm_propord@mtd.uscourts.gov">dwm_propord@mtd.uscourts.gov</a>  Judge Haddon: <a href="mailto:seh_propord@mtd.uscourts.gov">seh_propord@mtd.uscourts.gov</a>  Judge Shanstrom: <a href="mailto:jds_propord@mtd.uscourts.gov">jds_propord@mtd.uscourts.gov</a>  Judge Lovell: <a href="mailto:ccl_propord@mtd.uscourts.gov">ccl_propord@mtd.uscourts.gov</a>  Judge Ostby: <a href="mailto:cso_propord@mtd.uscourts.gov">cso_propord@mtd.uscourts.gov</a>  Judge Lynch: <a href="mailto:jcl_propord@mtd.uscourts.gov">jcl_propord@mtd.uscourts.gov</a>  Judge Strong: <a href="mailto:rks_propord@mtd.uscourts.gov">rks_propord@mtd.uscourts.gov</a></p> <p>NOTE: There is an underscore between the judge’s initials and “propord.”</p> <ul style="list-style-type: none"> <li>– These e-mail addresses are not to be used to communicate with the Court unless otherwise permitted or when communications are solicited by the Court:</li> </ul>
25. Scanning Specifications	<ul style="list-style-type: none"> <li>– Legibility</li> </ul>	<ul style="list-style-type: none"> <li>– If for any reason a document cannot be easily read after scanning and e-filing, the filing party will be instructed by the Court to e-file a legible copy within a specified period of time.</li> <li>– Things to watch for: <ul style="list-style-type: none"> <li>• Color cannot be reproduced</li> <li>• Borders, shading, or spots on the document will use precious memory</li> </ul> </li> </ul>

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	– Document Size:	<ul style="list-style-type: none"> <li>– Large documents may not upload properly to the system or download within a reasonable amount of time for users with a 56K modem.</li> <li>– Documents over five (5) megabytes must be e-filed in five-(5)-megabyte segments as attachments.</li> </ul>
26. Sentencing Letters		<p>Judge Cebull and Judge Molloy:</p> <ul style="list-style-type: none"> <li>– If a Sentencing Memorandum is e-filed or filed conventionally, attach the letters to the memorandum.</li> <li>– If the letters are filed separately from the memorandum, Judge Cebull deals with them on a case-by-case basis. Judge Molloy allows “no more than 10 letters of support” to be filed.</li> </ul> <p>Judge Haddon:</p> <ul style="list-style-type: none"> <li>– Sentencing letters are NOT to be attached to the memorandum. Instead, counsel who are e-filing should prepare a document called “Defendant’s Letters in Aid of Sentencing” and file using a “Notice (Other),” with the letters as attachments to the document.</li> <li>- If letters are submitted directly to the Court by the author, the Clerk’s Office will “Receive” stamp them and send them directly to the Judge’s office. The Judge’s office will forward copies to counsel, and then return to the Clerk ‘s office for e-filing.</li> </ul>
27. Correcting a Filing	<p>– L. R. 1.6(g)</p> <p>Call the Help Desk for assistance: 1-866-463-4052</p>	<ul style="list-style-type: none"> <li>– The filing party should not attempt to correct the filing by refileing the correct document in such cases as: <ul style="list-style-type: none"> <li>• posting the wrong PDF document to the docket text;</li> <li>• selecting the wrong type of document from the menu; or</li> <li>• entering the wrong case number.</li> </ul> </li> <li>– If appropriate, the Court will make an entry indicating that the document was e-filed in error.</li> <li>– The filing party will be advised if the document needs to be refiled.</li> </ul>
28. Technical Difficulty in Filing Documents	<p>– District’s Technical Failures</p> <p>- L.R. 1.6(h)</p>	<ul style="list-style-type: none"> <li>– A filing party whose e-filing is made untimely as a result of a technical failure of the District’s CM/ECF’s site may seek appropriate relief from the Court.</li> <li>– System outages will be posted on the Website if possible.</li> </ul>
	– Help Desk	<ul style="list-style-type: none"> <li>– 1-866-463-4052</li> <li>– Available from 8:30 a.m. to 5:00 p.m., Monday through Friday, excluding Federal holidays.</li> <li>– Voice mail messages may be left after hours in the event a party has filing difficulties.</li> </ul>

## **ELECTRONIC CASE FILES ADMINISTRATIVE MANUAL**

	<ul style="list-style-type: none"><li>– Attorney Technical Difficulties in Filing During Regular Business Hours</li><li>– L.R. 1.6(i) (effective 12/01/09)</li></ul>	<ul style="list-style-type: none"><li>– Problems on the e-filer's end, such as phone line problems, problems with the e-filer's internet service provider, or hardware or software problems, will not excuse an untimely filing.</li><li>– Parties must contact the Help Desk to obtain permission to send a document by e-mail OR file the document conventionally at the Clerk's Office.</li><li>– "Notice of Conventional Filing of Document or Item," L. R. Form A.</li></ul>
29. Laptops in the Courtroom	<ul style="list-style-type: none"><li>– Laptops are allowed in the courtrooms</li></ul>	<ul style="list-style-type: none"><li>– The District Court will not provide hookups to the District's network in accordance with Ninth Circuit security regulations.</li><li>– If parties wish to have access to the documents e-filed in a case, their laptops must contain any and all documents they will need during the proceeding.</li><li>– Wireless is not available in the courtrooms except in the Missoula division.</li></ul>

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30. Sealed/Ex Parte/Restricted Documents	– L.R. 1.8	<ul style="list-style-type: none"> <li>– Sealed documents are:                             <ul style="list-style-type: none"> <li>– Not available to the public;</li> <li>– Always available to the Court; and/or</li> <li>– May be accessible to all parties or only to the e-filer.</li> </ul> </li> <li>– Ex parte documents are only accessible to the Court and counsel of record for the filing party.</li> <li>– L.R. 1.8(a)(1)(C) lists the kinds of documents that may be filed under seal without leave of Court.</li> <li>– A Motion for Leave to File under Seal must be e-filed if you want to file a sealed document that is not described in L.R. 1.8(a)(1)(C) or if you wish to serve fewer than all parties in the case.</li> <li>– The Motion for Leave to File under Seal is not itself sealed.</li> <li>– After you e-file a Motion for Leave to File under Seal, you must immediately e-file the proposed sealed document as the next document in the case using the “Lodged Sealed Document L.R. 1.8” event, linking back to the Motion for Leave to File under Seal.</li> <li>– The filing party will be responsible for conventionally serving a hard copy of the sealed document on all necessary parties.</li> <li>– When the Motion for Leave to File under Seal is granted, the “Lodged” sealed document is deemed filed. The attorney is not required to re-file the sealed document again.</li> <li>– If a Judge orders that a document be redacted rather than sealed, you must e-file the redacted document under the event “Other Document,” “Redacted Document.”</li> </ul>
	– Viewing ex parte or restricted documents or orders	<ul style="list-style-type: none"> <li>- An attorney who has access to an <i>ex parte</i> or otherwise restricted document or order must complete the following steps to view the restricted document or order:                             <ul style="list-style-type: none"> <li>- Click <b>once</b> on the docket number (NOT the case number) in the NEF</li> <li>- A login screen will appear. Enter ECF login and password.</li> <li>- A second login screen will appear. Enter PACER login and password.</li> </ul> </li> </ul>

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<p>31. E-Government Act of 2002</p>	<ul style="list-style-type: none"> <li>– Responsibility</li> <li>– Fed.R.Civ.P. 5.2</li> <li>– Fed.R.Crim.P. 49.1</li> </ul>	<ul style="list-style-type: none"> <li>– Parties shall refrain from including or partially redact where inclusion is necessary, personal data identifiers from all documents e-filed with the Court, including exhibits thereto, whether the document is made available electronically or only in paper, unless otherwise ordered by the Court.</li> <li>– The responsibility for redacting these personal identifiers rests solely with counsel and the parties. Personnel in the Clerk’s Office will not review each document for compliance with this rule.</li> </ul> <p><b>NOTE: See the Court’s website for procedures regarding the redaction of transcripts. There are several deadlines that parties must be aware of when transcripts are filed electronically.</b></p>
	<ul style="list-style-type: none"> <li>– Personal Identifiers</li> </ul>	<ul style="list-style-type: none"> <li>– Social Security Numbers redacted to the last four numbers: xxx-xx-5271</li> <li>– Tax-Payer Identification Numbers redacted to last four numbers: xx-xxxx4578</li> <li>– Names of Minor Children redacted to initials only.</li> <li>– Dates of Birth–redacted to the year only: xx/xx/2001</li> <li>– Financial Account Numbers redacted to the last four digits of the account numbers: xxxxxxxxxxxxxxxxxxxx3567</li> <li>– Personal Addresses redacted to the city and state in criminal cases only.</li> </ul> <p><b>NOTE: See the Court’s website for procedures regarding redaction and issues to be aware of. Using a computer generated black box to blank out personal information will not guarantee the information cannot be retrieved.</b></p>



## ELECTRONIC CASE FILES ADMINISTRATIVE MANUAL

	<p>– Not Available for Public Access</p>	<ul style="list-style-type: none"> <li>• criminal summonses;</li> <li>• unexecuted criminal warrants;</li> <li>• pretrial bail reports and presentence investigation reports;</li> <li>• the sentencing judge’s statement of reasons in a criminal judgment;</li> <li>• juvenile records;</li> <li>• documents containing identifying information about jurors or potential jurors;</li> <li>• financial affidavits filed by persons seeking representation pursuant to the Criminal Justice Act;</li> <li>• sealed documents, including but not limited to motions for subpoenas under Fed. R. Crim. P. 17(b);</li> <li>• motions for downward departures for substantial assistance</li> <li>• minutes and transcripts from sealed court proceedings; or</li> <li>• other documents or proceedings as provided by statute, rule, or policy.</li> </ul>
32. Social Security Cases		<p>– These cases are restricted to court users, case participants, and public terminal users.</p> <p>– Because of the restricted access, an attorney of record must complete the following steps to view filed documents:</p> <ul style="list-style-type: none"> <li>- Click <b>once</b> on the docket number (NOT the case number) in the NEF</li> <li>- A login screen will appear. Enter ECF login and password.</li> <li>- A second login screen will appear. Enter PACER login and password.</li> </ul> <p>– If a <b>Motion to Proceed In Forma Pauperis</b> is being filed, the e-filing attorney shall attach the following to the motion:</p> <ul style="list-style-type: none"> <li>– Complaint (which shall be considered “lodged”)</li> <li>– Civil Cover Sheet</li> <li>– Summons(s), and</li> <li>– Proposed Order.</li> </ul> <p>– Once the order granting the motion for IFP is filed, the e-filing attorney shall immediately e-file the complaint only. The Clerk’s Office shall issue the summons(s) and return it/them to the attorney conventionally.</p>

## ELECTRONIC CASE FILES ADMINISTRATIVE MANUAL

<p>33. Conventional Filing</p>	<ul style="list-style-type: none"> <li>– Documents</li> <li>– L. R. 1.6(d) and (f)</li> <li>– L.R. 77.2(b)(2)</li> </ul>	<ul style="list-style-type: none"> <li>– All attorneys must show cause why they are not filing their documents electronically.</li> <li>– When an attorney is unable to file electronically in an active or subsequent case in which they are or will be associated, they must file “Motion for Leave to File Conventionally in This Case,” L. R. Form H (until 12/01/09) Form G (effective 12/01/09).</li> <li>– Conventionally filed documents will be scanned and filed electronically at all divisional offices.</li> <li>– L. R. 1.6(f) allows for the disposal of conventionally filed documents unless it is necessary to keep the original on file in the Clerk’s Office.</li> <li>– Conventionally filed documents or exhibits that cannot be scanned must be delivered to the Division of venue, unless otherwise directed by the Clerk.</li> </ul>
	<ul style="list-style-type: none"> <li>– Exhibits</li> <li>– L. R. 1.6(f) and 7.2</li> </ul>	<ul style="list-style-type: none"> <li>– Form A, Notice of Conventional Filing, must be e-filed and a copy must accompany the exhibits.</li> <li>– Registered users must move for leave to file an exhibit in CD-Rom or by conventional means unless it falls under the provisions of L. R. 7.2.                         <ul style="list-style-type: none"> <li>• too lengthy to e-file;</li> <li>• oversized, such as blueprints or maps;</li> <li>• photographic or videotape exhibits;</li> <li>• Administrative Records; or</li> <li>• trial exhibits.</li> </ul> </li> <li>– A party may move for leave to file an exhibit in CD-Rom or conventional format by describing the exhibit and explaining why it cannot be e-filed.</li> <li>– Users should check the Court’s website for guidance regarding what constitutes an exhibit too large to e-file and for other ways of handling exhibits.</li> <li>– Exhibits must be described in full.</li> <li>– Contact the divisional Clerk’s office to see if chambers requires a courtesy copy of any exhibit over 20 pages.</li> </ul>
<p>34. Conventional Copies and Certified Copies</p>	<ul style="list-style-type: none"> <li>– 28 U.S.C. § 1914</li> </ul>	<ul style="list-style-type: none"> <li>– Conventional copies and certified copies may be obtained at all divisional offices of the Court.</li> <li>– Fees for copying and certifying will be in accordance with statute.</li> </ul>